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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
P.O. Box 1107  
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

**DEVELOPMENT PERMIT DP 5007**

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Old Canada Road Scenic Byway, Inc. for Development Permit DP 5007, finds the following facts:

1. Applicant: Old Canada Road Scenic Byway, Inc.  
PO Box 801  
Bingham, Maine 04920
2. Date of Completed Application: August 23, 2016
3. Location of Proposal: Sandy Bay Twp., Somerset County  
Plan 01, Lot 1 (part of)
4. Zoning: (M-GN) General Development Subdistrict  
(P-SL2) Shoreland Protection Subdistrict
5. Lot Size: Existing MDOT ROW
6. Existing Development:  
Paved parking area for MDOT Sandy Bay Rest Area  
3 picnic tables and two interpretive signs
7. Proposed Development:  
Construction of a paved walkway to a 20' x 30' observation deck  
Installation of a Kiosk and relocation the informational signs

**Proposal**

- 9) The applicant proposes to construct a 20 ft. by 30 ft. observation deck supported by concrete posts within the Sandy Bay Rest Area along Route 201. The observation platform would be partially cantilevered over the steep slope overlooking the scenic falls. The platform would be located greater than 75 feet from the falls and water course in the existing overgrown grassed area that is currently used as an observation area. Based on the information provided by the applicant, the observation platform would provide an improved safe area for the existing scenic overlook at the falls. The applicant also proposes to pave a foot path from the existing parking area to the observation platform, install an informational kiosk and relocate the existing informational signs. The applicant also proposes selective trimming and removal of overgrown vegetation to allow a clear line of sight to the falls. The applicant claims that these improvements to view the falls would help to discourage the unauthorized hiking down the steep slope to view the falls.



**Review Criteria**

- 10) Under provisions of Section 10.22,A,3,c(19) of the Commission's Land Use Districts and Standards non-commercial structures used for nature observation purposes may be allowed in a (M-GN) General Management Subdistrict upon issuance of a permit from the Commission.
- 11) Under provisions of Section 10.24,C of the Commission's Land Use Districts and Standards, the Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse impact on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal.
- 12) Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards non-residential structures must be set back a minimum of at least 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.
- 13) Under provisions of Section 10.26,G,5 of the Commission's Land Use Districts and Standards, An exception can be made to the shoreline and road setback requirements for structures where the Commission finds that such structures must be located near a shoreline or road due to the nature of their use.
- 14) Under provisions of Section 10.11,B,2 of the Commission's Land Use Districts and Standards, where legally existing, nonconforming structures do not meet setbacks, an existing setback line will be established. The existing setback line will run parallel to the road at a distance equal to the closest point of the existing structure. Subject to other requirements of this section, a nonconforming structure may be expanded up to the existing setback line without it being considered more nonconforming than the original structure.
- 15) The facts are otherwise as represented in the application for Development Permit DP 5007, and supporting documents.

**Based upon the above Findings, the staff concludes that:**

1. Based on the facts as presented and Chapter 10 Sections 10.11,B, 10.22,A, 10.24,C, 10.26,D & 10.26,G of the Commission's Land Use Districts and Standards the proposed construction of an observation deck accessed via a paved walkway from the existing parking area in the existing MDOT Sandy Bay Rest Area on Route 201 and the relocation of informational signs and installation of an informational kiosk are allowed uses, which must be located as proposed due to the nature of their use and which meet the setbacks to the maximum possible extent.
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of Bernard Paquet with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this

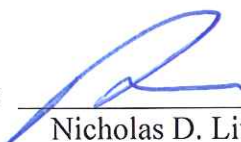


permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

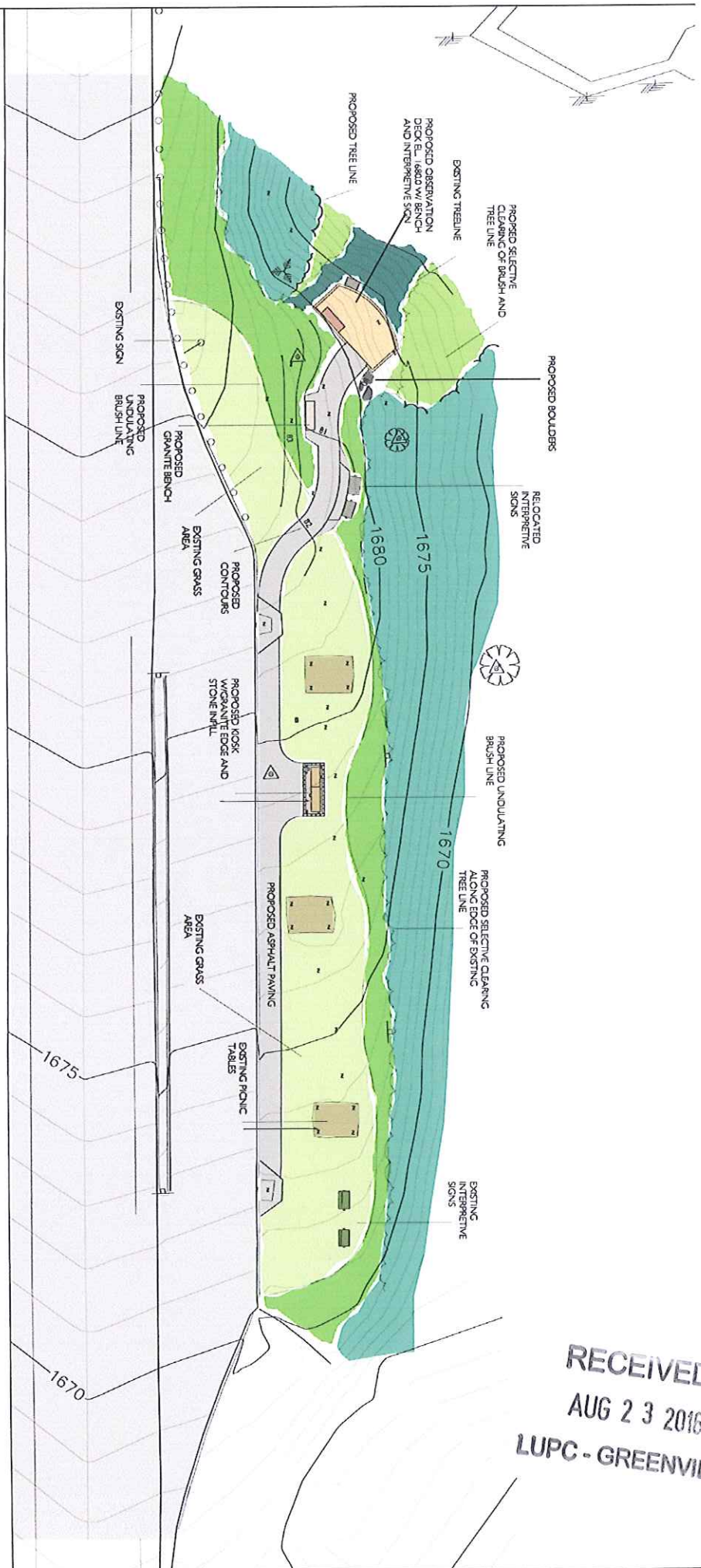
2. The proposed construction is shown on a plan attached to and included as a part of this permit.
3. Construction debris must not be disposed of in a wetland. All construction debris must be disposed in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
4. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
5. The scenic character and healthful condition of the area covered by this permit must be maintained. The area must be kept clear of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
6. Exterior finishes of all structures shall be non-reflective and natural colors to blend with the natural surroundings and minimize any adverse visual impacts.
7. Issuance of this permit does not obviate the need for any other federal, state or local approvals.
8. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 6th DAY OF SEPTEMBER, 2016.

for:  Nicholas D. Livesay  
Nicholas D. Livesay, Executive Director

DP 5007



RECEIVED  
AUG 23 2016  
LUPC - GREENVILLE

SCALE: 1" = 10'

0 10 20 30 40

SANDY BAY REST AREA, Maine

MDOT - Studioverde Landscape + design

7/6/16



Dp 5007

THE FALLS

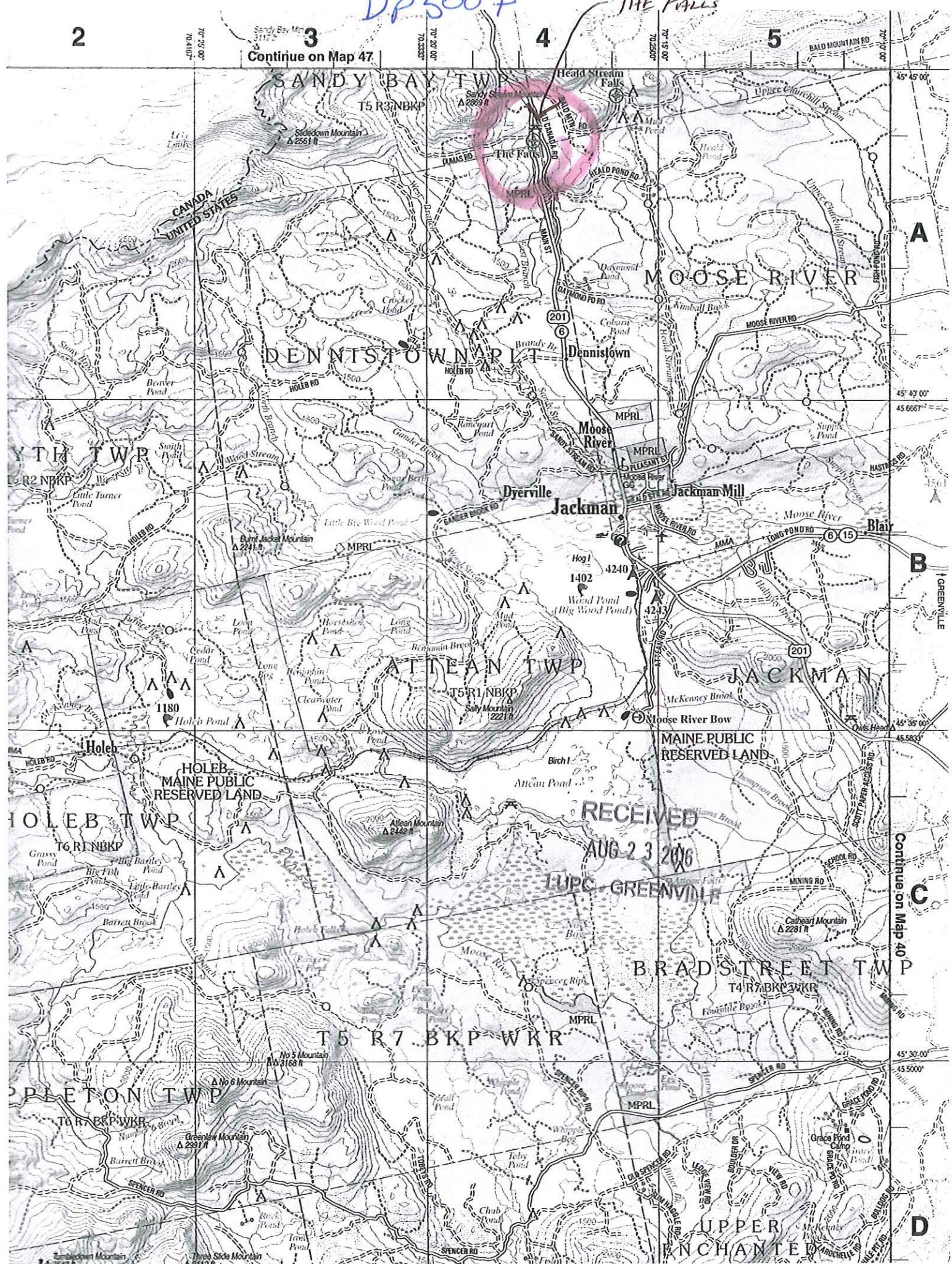
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Continue on Map 47



A

B

C

D